

IN THE UNITED STATES DISTRICT COURT

FEB 27 2013
er

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**PAUL BARKER,
NESTOR VALDEZ a/k/a "Sarge" and
LEENA MARTINEZ,**

Defendants.

) CRIMINAL NO. CLERK
13-559

) Count 1: 21 U.S.C. § 846: Attempted
 Possession with Intent to Distribute 50
 Grams and More of a Mixture and
 Substance Containing a Detectable
 Amount of Methamphetamine;

) Count 2: 21 U.S.C. § 846: Conspiracy;

) Counts 3-6: 21 U.S.C. §§ 841(a)(1) and
 (b)(1)(C): Distribution of
 Methamphetamine; and 18 U.S.C. § 2:
 Aiding and Abetting;

) Count 7: 21 U.S.C. §§ 841(a)(1) and
 (b)(1)(B): Distribution of Five Grams and
 More of Methamphetamine (actual); and
 18 U.S.C. § 2: Aiding and Abetting;

) Count 8: 21 U.S.C. §§ 841(a)(1) and
 (b)(1)(C): Distribution of Heroin; and 18
 U.S.C. § 2: Aiding and Abetting; and

) Count 9: 18 U.S.C. §§ 922(g) and
 924(a)(2): Felon in Possession of a
 Firearm.

INDICTMENT

The Grand Jury charges:

Count 1

On or about May 3, 2011, in Cibola County, in the District of New Mexico, the defendant,

PAUL BARKER, attempted to unlawfully, knowingly and intentionally possess with intent to

distribute a controlled substance, 50 grams and more of a mixture and substance containing a detectable amount of methamphetamine, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

In violation of 21 U.S.C. § 846.

Count 2

Between on or about May 14, 2012 through June 12, 2012, in Cibola County, in the District of New Mexico, the defendants, **PAUL BARKER, NESTOR VALDEZ a/k/a “Sarge” and LEENA MARTINEZ**, and others known and unknown to the Grand Jury unlawfully, knowingly and intentionally combined, conspired, confederated and agreed with each other and with other persons whose names are known and unknown to the grand jury to commit the following offense against the United States, to wit: distribution of 5 grams and more methamphetamine, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

In violation of 21 U.S.C. § 846.

Count 3

On or about May 14, 2012, in Cibola County, in the District of New Mexico, the defendants, **NESTOR VALDEZ a/k/a “Sarge” and LEENA MARTINEZ**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of methamphetamine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2.

Count 4

On or about May 22, 2012, in Cibola County, in the District of New Mexico, the defendants, **PAUL BARKER, NESTOR VALDEZ a/k/a “Sarge” and LEENA MARTINEZ**, unlawfully,

knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of methamphetamine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2.

Count 5

On or about May 31, 2012, in Cibola County, in the District of New Mexico, the defendants, **PAUL BARKER, NESTOR VALDEZ a/k/a “Sarge” and LEENA MARTINEZ**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of methamphetamine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2.

Count 6

On or about June 12, 2012, in Cibola County, in the District of New Mexico, the defendants, **NESTOR VALDEZ a/k/a “Sarge” and LEENA MARTINEZ**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of methamphetamine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2.

Count 7

Between on or about December 12, 2012 and December 17, 2012, in Cibola County, in the District of New Mexico, the defendants, **NESTOR VALDEZ a/k/a “Sarge” and LEENA MARTINEZ**, unlawfully, knowingly and intentionally distributed a controlled substance, five grams and more of methamphetamine (actual).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B) and 18 U.S.C. § 2.

Count 8

On or about August 7, 2012, in Cibola County, in the District of New Mexico, the defendants, **NESTOR VALDEZ a/k/a "Sarge" and LEENA MARTINEZ**, unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of heroin.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2.

Count 9

On or about October 7, 2012, in Cibola County, in the District of New Mexico, the defendant, **NESTOR VALDEZ a/k/a "Sarge,"** having been convicted of Distribution of Marijuana, a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate commerce, a firearm, that is, a Beretta, model 21A-.22 LR, pistol bearing serial number BES39095U, said firearm having been shipped and transported in interstate commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

FORFEITURE ALLEGATIONS

1. Upon conviction of any offense alleged in Counts One through Eight of this Indictment, the defendants, **PAUL BARKER, NESTOR VALDEZ a/k/a "Sarge" and LEENA MARTINEZ**, shall forfeit to the United States pursuant to 21 U.S.C. § 853 any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the offense in violation of 21 U.S.C. §§ 841 and 846 for which the defendants are convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offense, and all property traceable to such property including, but not limited to the following:

PERSONAL PROPERTY

a) \$11,600 in United States currency.

MONEY JUDGMENT

A sum of money equal to at least \$2,690 in United States currency, including any interest accruing to the date of the judgment, representing the amount of money derived from or involved in the offenses, or traceable to property involved in the offenses, for which the Defendants are jointly and severally liable.

Upon conviction of the offense alleged in Count Nine this Indictment, the defendant, **NESTOR VALDEZ a/k/a "Sarge,"** shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) a Beretta, model 21A-.22 LR, pistol bearing serial number BES39095U.

If any of the above-described forfeitable property, as a result of any act or omission of the Defendants:

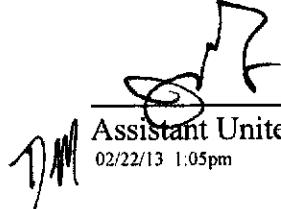
- 1) cannot be located upon the exercise of due diligence;
- 2) has been transferred or sold to, or deposited with, a third party;
- 3) has been placed beyond the jurisdiction of the Court;
- 4) has been substantially diminished in value; or
- 5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) and 18 U.S.C. § 982(a)(1) to seek

forfeiture of any other property of the Defendants up to the value of the forfeitable property described above.

A TRUE BILL:

151
FOREPERSON OF THE GRAND JURY



Assistant United States Attorney
02/22/13 1:05pm